

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	NUMBER	MO. DAY YEAR	YR.	NUMBER												
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PLAINTIFFS

City of Lamar

DEFENDANTS

~~THOMAS S. KLEBBE~~ CECIL D. ANDRUS
~~Rogers xxxxxx~~ Individually and as Secretary of the Interior, Department of the Interior, Washington, D. C., and
 JAMES B. HAMMETT,
~~XXXXXXXXXXXX~~, Individually and as Administrator, Southwestern Power Administration, P. O. Drawer 1619, Tulsa, Oklahoma 74101

CAUSE

Injunctive and Declaratory and Other Required Relief (Failure to Supply Electric Power)

ATTORNEYS

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 Room 3332 John N. Hanson
 Department of Justice 8+739-3378
 Washington, D. C. 20503
 Nathan G. Graham, U. S. Atty.
 Kenneth Snoke, Asst. U. S. Atty
 460 U. S. Courthouse
 Tulsa, Ok. 74103
 Raymond Sanford x7501
 Office of the Solicitor
 U. S. Courthouse P.O. Box 3156
 Tulsa 74103 74101

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-2-75
				JS-6	6-1-77

DATE	NR.	PROCEEDINGS
		case
6-2-75	1.	Order forwarding & transferring/from the District of Columbia to Judge Cook, filed. mm
6-2-75	2.	Docket entry and proceedings in the US District Court for the District of Columbia, filed. Including: Complaint filed 7-3-74 & Summons issued. 7-9-75, Motion by Pltf. for preliminary injunction; affidavit of James A. Roberts; affidavit of Gerald W. Gilkey: P&A's; c/m 7-25-74. Appearance of Charles F. Wheatley, Jr. 7-17-74 Stipulation holding plfts. motion for preliminary injunction in abeyance until further order of this court, so ordered. 8-29-74, Answer of defts to complaint; c/m 8-29-74. Appearance of Bruce G. Forrest. 8-29-74, Calendared. 9-30-74, Motion by defts. for transfer of this action to the US District Court for the Northern District of Okla., memorandum; exhibit 1. 10-15-74, Memorandum of law by pltf. in opposition to defts. motion for transfer if this action. 11-1-74, Reply memorandum by defts. to pltf's memorandum in opposition to motion for transfer; attachments (3). 12-5-74 Supplemental memorandum by pltf. in opposition to defts motion for transfer of this action to US District Court for the Northern District of Oklahoma. 12-6-74 Supplemental reply memorandum by defts. in support of government's motion to transfer this action to the U.S.D.C. for the Northern District of Okla. 12-10-74, Order transferring cause to the US District Court for the Northern District of Okla. 12-6-74, Motion of deft. to transfer heard and taken under advisement. 12-20-74, Motion by pltf for stay of order transferring proceeding to the US District Court for the Northern District of Oklahoma; appendix A,B,C,D, exhibit 1; appendix E, Exhibit; c/s.12-26-74 Transcript of proceedings, 12-6-74, pages 1-24. 1-6-75, Order setting date for oral argument on motion to stay transfer for 1-15-75 at 9:30 AM. 1-15-75, Motion of pltf. to stay transfer heard & taken under advisement. 1-15-75, Order staying Order 12-10-74 transferring proceedings to the US Court for the N. District of Okla pending determination by US Court of Appeals of pltf's petition for writ of mandamus. 1-20-75, transcript of proceedings of 1-15-75, pages 1-22. 4-2-75 Motion by defts. to vacate stay of transferral; memorandum of law. 5-8-75, certified copy of order USCA granting motions for leave to supplement the record and denying petition for writ of mandamus. 5-7-75, Prder vacating Order of 1-15-75 staying transfer; reinstating Order of 12-10-74; directing Clerk to transfer this proceeding to US District Court for the Northern District of Oklahoma pursuant to 28 USC Section 1404 (a). 5-29-75, Original file and certified copy of docket entries mailed to US District Court for the Northern District of Oklahoma pursuant to Order of 5-7-75.
7-16-75	MO:	Case set for PT hearing 8-27-75 at 4:15 p.m. (HDC-J)hm
7-25-75	3.	Motion to enter appearance as co-counsel for City of Lamar, filed. hm & Defendants
7-31-75	4.	Stipulation of the Plaintiff/ filed. mm
8-4-75	5.	Order (part of stip.), filed, that stipulation is approved. (HDC-J)hm (copies mailed)
8-5-75	6.	Motion of pltf. for continuance of pretrial, filed. g
8-7-75	7.	Order, filed, striking case from pretrial docket of 8-27-75, not to be re-set prior to 11-20-75. (HDC-J)g cpies mailed.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-216</u>
City of Lamar		Rogers C. B. Morton, et al	PAGE <u>2</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
8-15-75	8	Defendants' motion for judgment on the pleadings, filed. g	
8-15-75	9	Memorandum in support of mot. for judg. on pleadings, filed. g	
8-15-75	MO	Ordered by Court that pltfs. file responsive brief within 10 days to defts. mot. for judg. on pleadings. (HDC-J)g	
8-21-75	10.	Mo/ext. of time to ans. defts mo/judgment on the pleadings, filed.hm	
8-21-75	11	Order, filed, granting pltf. until 9-5-75 to file responsive brief to mot. for judgment on pleadings. (HDC-J)g	
8-25-75	12	Pltf's informal document inspection request, filed. g	
9-5-75	13.	Plaintiff's Motion for Extension of Time to Answer Defendant's Motion for Judgment on the Pleadings, filed. mm	
9-8-75	14.	Order, filed, that Pltf. is granted until 9-20-75 to file responsive brief to the Deft's. mot. for Judgment on the pleadings. (HDC-J)v -cps. mld.	
9-19-75	15.	Plaintiff's Motion for Judgment on the Pleadings, filed. mm	
9-19-75	16.	Brief in Support of Plaintiff's Motion for Judgment on the Pleadings and in Opposition to Defendants' Motion for Judgment on the Pleadings filed. mm	
9-22-75	MO:	Ordered by the Ct. that the Defendants' file a responsive brief within 10 days to the Plaintiff's Motion for Judgment on the Pleadings. (HDC-J) cps mld mm	
9-25-75	17.	Response to Pltf's Request for Document Inspection and Reproduction, filed. lm	
10-2-75	18.	Motion of defts. for ext. of time to reply to pltf. cross-motion for judg. on pleadings and in support of their mo/judg. on pleadings, filed. rm	
10-3-75	19.	Order, filed, granting defts. to 10/16/75 to file reply memo. in support of mo/judg. on pleadings and in opp. to pltf. cross-motion.(HDC-J)rm-copies md.	
10-10-75	20.	Pltf's reply to defts' response to request for document inspection and reproduction, filed. g	
10-10-75	21	Pltf's motion for leave to file supplement to brief in support of pltf's mot. for judgment on pleadings and in opposition to defts' mot. for judgment on pleadings, filed. g	
10-10-75	22	Supplement to Brief in support of pltf's mot. for judgment on pleadings and in opposition to defts' mot. for judgment on pleadings, filed with leave of Court. (HDC-J)g	
10-14-75	23.	Appli. for ext. of time to file deft's response to pltf's motion & brief in support of judgment on the pleadings and pltf's supplemental brief, filed. lm (o to J)	
10-17-75	24.	Order, filed, granting defts. until 10-20-75 to file brief & response to pltf's mo/judgment on the pleadings & pltf's brief & suppl. in support thereof. (HDC-J)hm (copies mailed)	
10-20	25	Reply Memo. of Defts in Support of Defts' Mtn for Judg. on Pleadings and in Opposition to Pltf's Cross-Mtn for Judg. on Pleadings, filed.jj	
11-5	26	Reply brief of pltf. in support of pltf's mot. for judgment on the pleadings, filed. g	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-216</u>
City of Lamar		Rogers C. B. Morton, et al.	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
11-12-75	27	Motion of defts. for oral argument, filed. ph <i>stg</i>	
11-14	28.	Order, filed, granting a hearing on motions and cross-motions for judgment on the pleadings on 1-27-76 at 10:00 a.m. (HDC-J)hm (copies mailed)	
1-12-76	MO:	Ordered that hearing on motions for judgment on the pleadings is re-set for 1-30-76 at 9:00 a.m. (HDC-J)hm (notices mailed)	
1-30	MO:	Case called for hearing on pltf's and defts' motions for judgment on the pleadings. Statements made. Court states matter is reviewable and rules no due process hearing is necessary. Court reserves ruling on necessity of Environmental Impact Statement. Pltf's and defts' motions for judgment on the pleadings each denied. Pltf. moves for substitution of parties deft. & motion granted. Counsel for pltf. to prepare formal order on hearing. (HDC-J)hm	
2-27		Reporter's Transcript of proceedings had on 1-30-76: Hrg. on motions for judgment and pleadings, filed w/clk's cpy. lm	
3-18	MO:	Case set for PT on 6-8-76 at 9:30 a.m. (HDC-J)ph	
3-25	29.	Order, filed, that defts. mo/judg. on pleadings is denied; pltf.'s cross-motion for judg. on pleadings is denied; that present Sec. of Interior, Thomas S. Kleppe, is substituted as def. in place of Rogers C. B. Morton; and that case is scheduled for further discovery and trial proceedings before the Ct.(HDC-J)rm-copies mailed	
5-13	30.	Motion of pltf. for order compelling production of documents, filed. ph <i>stg</i>	
5-13	31.	Pltfs' memo. of law in support of its motion for order compelling production of documents, filed. ph	
5-13	32.	Affidavit of Stanley W. Balis, filed. ph	
5-13	MO:	It is ordered by the Court that the Deft. file a resp. brief within 10 days to the mo/pltf. for order compelling production of documents. (HDC-J)ph cps mld	
5-24	33.	Mem. of def. in response to pltf. mo/order compelling production of documents, filed. rm (with affidavit of Walter M. Bowers attached)	
6-7	34.	Joint motion for extension of pretrial setting, filed. ph	
6-7	35.	Order, filed, extending date of pretrial from 6-8-76 continued until 8-27-76 at 9:30 a.m.(HDC-J)ph cps mld	
6-25	36.	Defts. mo/enforcement of Court Order w/brief in support, filed. ph	
6-25	MO:	It is ordered by the Ct. that the Pltf. file a resp. brief within 10 days to the defts. motion for enforcement of Ct. Order.(HDC-J)ph cps	
7-9	37.	Pltf's memo. in ans. to defts' mo/enforcement of Court order, filed.phmld	
8-3	38.	Defts' reply memo. in support of defts' motion for enforcement of Court Order, filed. ph	
8-9	39.	Interrogs. by pltf. to deft., filed. ph	
8-16	40.	Joint motion for ext. of pre-trial setting, filed. ph <i>stg</i>	
8-16	41.	Order extending date of PT until 11-4-76 at 1:00 p.m. (HDC-J)ph cps mld	
8-26	42.	Pltf's motion for a clarification of order and enlargement of time, filed. ph	
8-26	MO:	Upon req. of pltf., permission is hereby granted to the pltf. to resp. by 9-9-76 to the motion for consol. filed in 76-C-374.(HDC-J)ph cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-216-C</u> <u>76-C-374-C</u>
City of Lamar		Thomas S. Kleppe,	PAGE <u>3</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
9-10-76	43.	Answer of City of Lamar in oppos. to def. mo/consolidate, filed. rm	
9-10	MO:	Ordered that 76-C-374 is consolidated with this case; that consolidated cases are set for PT hearing 11-4-76 at 1:00 p.m. and that cases are set for non-jury trial 1-4-77 at 9:30 a.m. (HDC-J)hm (letter written parties)	
9-20	--	Transcript of proceedings had on 9-10-76, hearing on pltf's motion for Prel. Inj., filed. ph	
9-21	44.	Defts' motion for ext. of time to resp. to interros., filed. ph	
9-21	45.	Order, filed, granting defts. until 10-4-76 to resp. to pltf's interros. (HDC-J)ph cps mld	
9-24	46.	Pltf's request for JURY TRIAL, filed. ph	
9-24	47.	Pltf's motion to hold in abeyance, Motion to compel discovery, filed. ph	
9-24	48.	Pltf's affidavit in support of its memo. in ans. to defts' motion for enforcement of Court Order, filed. ph	
9-27	MO:	It is ordered by the Ct. that the Motion to hold in abeyance the Motion to Compel Discovery is granted, until further request of the parties. (HDC-J)ph ltr mld	
9-27	49.	Supplemental Reply in support of defts' motion for enforcement of Court order, filed. ph	
9-28	50.	Order, filed, that pltf. deposit into the escrow account held by the Clerk of this Court the difference which has accrued w/int. as a result of rate increases since the expiration of the original contract between the pltf. and Southwestern Power Administration. (HDC-J)ph cps mld	
10-4	51.	Defts. answers to pltf's (City of Lamar) interros., filed. ph	
10-6	52.	Defts' resp. to pltf's request for jury trial, filed. ph	
10-12	53.	Pltf. motion for rehearing and reconsideration of court order, filed. rm	
10-12	54.	Memo. in support of mo/reconsider and rehearing, filed. rm	
10-12	MO:	Ordered by the Ct. that defts. are granted 10 days to respond to pltf. mo/rehearing and reconsideration. (HDC-J)rm-letter written	
10-21	55.	Defts' oppos. to pltf's motion for reconsideration and rehearing, filed. ph	
10-22	56.	Pltf's motion for leave to file supplement to memo., filed. ph	
11-1	57.	Order, filed, granting pltf's motion for leave to file supplement to memo. in support of motion for rehearing and reconsideration. (HDC-J)ph cps mld	
11-1	58.	Supplement to memo. in support of pltf's motion for reconsideration and rehearing, filed. ph	
11-4	58A.	Pltf's conference memorandum, filed. hm	
11-4	MO:	Case called for pre-trial hearing. Parties represented. Statements made. Parties to exchange witness lists as soon as possible. Parties directed to confer after hearing this date & complete exchange of documents. Mo/compel prod. of documents held in abeyance & parties to request further hearing if needed. Pltf's motion for rehearing & reconsideration of Court order of 9-28-76 taken under advisement. Pending a ruling, previous order of Court shall remain in force and effect. Deft. allowed to propose a schedule of payment to escrow acct. & present to Court for approval within 20 days. Pltf's re-	

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PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-216-C
City of Lamar		Thomas S. Kleppe	PAGE ____ OF ____ PAGES
11-4	58B.	Defts' statement for proposed PT order, filed. hm	
11-4	58C.	Plt's mo/Ct. to take jud. notice of evid. pert. to mo/reconsid., filed. hm	
11-4	58D.	Pltf's memo. in support of above motion, filed. hm	
1976		quest for jury trial denied and case to go to trial as set on 1-4-77. Pltf. to prepare PT order by 12-1-76 and PT briefs to be filed by 12-17. All documents to be offered at trial to be marked & given to Clerk by 12-17. (HDC-J)hm	
11-15	MO:	Informal hearing held in Chambers on problems of document discovery. Parties represented. Statements made. Deft. to submit all documents, along w/any specific objections to the submission to the pltf., to the Court & copies of Mr. King's speeches to the pltf. Deft. to provide list of all documents and distribution thereof where privilege is claimed, to the Court by 11-16; pltf. given until 11-18 to respond. List to be held by SPA until Court sees list & makes determination. Deft's request for continuance of trial denied at this time. (HDC-J)hm	
11-16	59.	List of documents withheld by defs. as privileged, filed. rm	
11-17	MO:	Informal hearing held in Chambers on problems of document discovery. Parties represented. Statements made. Pltfs. to file response to list of documents as privileged as soon as possible. (HDC-J)hm	
11-17	60.	List of documents withheld by defs. as privileged, addendum, filed. rm	
11-22	MO:	It is ordered by the Court that matters relating to privilege are referred to Mag. Bradford; parties directed to submit all of those documents which they have listed as privileged to Mag. for in camera inspection. (HDC-J)ph ltr mld parties called.	
11-23	MO:	Ordered that parties are directed that if they desire to file briefs in regard to the claims of privilege on the documents submitted for consideration by the Magistrate, they are to do so by 11-30-76. (HDC-J)hm (parties notified by phone)	
11-29	61.	Proposed Escrow repayment plan of the City of Lamar, filed. ph	
11-29	62.	Pltf. City of Lamar's Motion for leave to file Evidence in support of pltf. Lamar's Mo/reconsideration and rehearing of the Court's 9-28-76 order directing deposit, filed. ph	
11-29	63.	Memo. in support of Pltf. City of Lamar's Motion for leave to file evidence, etc., filed. ph	
11-29	MO:	It is ordered by the Court that the deft. file a resp. brief within 100 days to the Pltf. City of Lamar's Motion for leave to file evidence in support of pltf. Lamar's Motion for reconsideration and rehearing of the Court's 9-28-76 order directing deposit. (HDC-J)ph cps mld	
11-30	64.	Pltfs' motion for ext of time to file proposed PT order w/memo. in support, filed. ph	
11-30	65.	Defts' memo. in support of their list of privileged documents, filed. ph	
12-1	66.	Pltfs' brief in support of motion to compel the production of documents, filed. ph	
12-1	67.	Order, filed, that pltf. is granted until 12-15-76 to file proposed PT Order. (HDC-J)ph cps mld	
12-1	68.	Defts' proposed PT order, filed. ph	
12-6	69.	Pltfs' reply to defts' memo. in support of their list of privileged documents, filed. ph	
12-10	70.	Joint motion for an ext. of time, filed, for defts. to respond to pltf's mo/leave to file evid. in support of Lamar's mo/reconsideration & rehearing of Court's 9-28-76 order. hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-216</u> <u>76-C -374</u> PAGE <u>7</u> OF <u>4</u> PAGES
CITY OF LAMAR		THOMAS S. KLEPPE, et al	
DATE	NR.	PROCEEDINGS	
<u>1976</u> 12-13	--	Order, filed, that def't's resp. to pl'tf's 11-24-76 motion is due 12-17-76. (HDC-J)ph cps mld (o is a part of appl.)	
12-16	71.	Joint motion for a new trial date, filed. hm	
12-17	MO:	Upon joint applic. of all parties, the consolidated cases are stricken from the trial docket of January 4, 1977, to be reset at a later date. (HDC-J)hm (letter written parties)	
12-20	72.	Oppos. to City of Lamar's 11-24-76 mo/leave to file evid. in support of its mo/reconsideration & rehearing of the Court's 9-28-76 order directing deposit, filed. hm	
12-21	73.	Pre-trial order, filed. (HDC-J)ph	
12-28	MO:	Case set for N/J trial 3-21-77 at 9:30 a.m. (HDC-J)hm (notices mailed)	
1-17-77	74.	Master's report, filed, that pl'tf's request for an order compelling the prod. of documents should be allowed in part/denied in part. (MLB-Mag)hm (copies mailed)	
1-17	75.	Order, filed, adopting the recommendation of the Mag. in regard to discovery motions. (HDC-J)hm (copies mailed)	
1-21	--	Deposition of James B. Hammett taken by Ann Hart, LSR, on 12-8-76, fld. v	
1-21	--	Deposition of Francis Gajan taken by Millie Ballard, LSR, on 12-7-76, fld. v	
1-21	--	Deposition of James N. McClanahan taken by Millie Ballard, LSR, on 12-7-76, fld. v	
1-21	--	Deposition of Jack K. Hatfield taken by Ann Hart, LSR, on 12-8-76, fld. v	
1-21	--	Deposition of George Simpson taken by Ann Hart, LSR, on 12-8-76, fld. v	
1-21	--	Deposition of Douglas Gordon Wright taken by Pat Gile, LSR, on 12-9-76, fld. v	
1-21	--	Deposition of Walter D. Felzke taken by Ann Hart, LSR, on 11-19-76, fld. v	
1-21	--	Deposition of Granville V. Horton, Jr., taken by Millie Ballard, LSR, on 11-16-76, fld. v	
1-24	--	Deposition of Walter M. Bowers, taken on 11-19-76 at Tulsa, OK, filed. ph (P. Gile-LSR)	
1-24	--	Deposition of Walt Bowers taken on 12-8-76 at 1:30 p.m. at Tulsa, OK, filed. (M. Ballard and A. Hart-LSR)ph	
3-7	76.	Joint motion for new trial, filed. ph	
3-7	77.	Order, filed, that trial date of 3-21-77 be stricken that parties may pursue settlement and advise Court no later than 4-18-77 the results of settlement negotiations. (HDC-J)ph cps mld	
3-7	--	Per letter to the Court dated 3-2-77, def't. Thomas S. Kleppe has been replaced as Sec. of Interior by Cecil D. Andrus. Also, Def't. Peter C. King, Adm. of SW Power Adm. has been replaced by James B. Hammett. ph	
4-29	78.	Stipulation of settlement, filed. rm (O to J)	

(OVER)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
5-2-77	79	Order Dismissing Proceedings, filed & entered, that these proceedings are hereby dismissed, w/prijudice; & the escrow fund in this proceedings be, & same hereby is paid over to Deft. Southwestern Power Adminis., as provided in the Stipulation; & the City of Lamar shall pay the additional sums set forth in Stipulation to the Southwestern Power Admin., in accordance with the provisions of that Stipulation. (HDC-J)b cps mld
1-14-81		DEPOSITIONS returned to respective parties.am